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Atty. Dkt. No. 049280-0102
APPROPRIATE 09 JUN 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Robert D. Hill

Title: METHOD OF MODIFYING
PLANT PHENOTYPES WITH
NONSymbiotic
HEMOGLOBIN

Appl. No.: Unassigned

Filing Date: June 9, 2006

Examiner: Unassigned

Art Unit: Unassigned

Confirmation Number: Unassigned

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56.

The submission of any document herewith is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), within three (3) months of the date of entry into the national stage, as set forth in 37 CFR §1.491.

RELEVANCE OF EACH DOCUMENT

Each document listed on the attached PTO/SB/08 was cited in the International Search Report of the corresponding PCT application. A copy of the International Search Report is attached. Each document is in English.

Applicant respectfully requests that each listed document be considered by the Examiner and be made of record in the present application, and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

Although Applicant believes that no fee is required, the Commissioner is hereby authorized to charge any additional fees which may be required to Deposit Account No. 19-0741.

Respectfully submitted,

Date June 9, 2006

By Courtenay C. Brinckerhoff

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| Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT Date Submitted: June 9, 2006 <i>(use as many sheets as necessary)</i> | | | | Complete if Known | |
| Application Number | | Unassigned 10/582321 | | | |
| Filing Date | | June 9, 2006 | | | |
| First Named Inventor | | Dr. Robert D. Hill | | | |
| Group Art Unit | | Unassigned | | | |
| Examiner Name | | Unassigned | | | |
| Attorney Docket Number | | 049280-0102 | | | |

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| Sheet | 1 | of | 1 |
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| U.S. PATENT DOCUMENTS | | | | | | |
|-----------------------|--------------------------|----------------------|---|--|--|--|
| Examiner Initials* | Cite No. ¹ | U.S. Patent Document | | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
| | | Number | Kind Code ² (if known) | | | |
| | A1 | 6,372,961 | B1 | Tarczynski et al. | Apr. 16, 2002 | |
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| FOREIGN PATENT DOCUMENTS | | | | | | | |
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| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | | | Name of Patentee or Applicant of Cited Documents | Date of Publication of Cited Document MM-DD-YYYY | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
| | | Office ³ | Number ⁴ | Kind Code ⁵ (if known) | | | |
| | A2 | | WO 00/00597 | | GUY et al. | Jan. 6, 2000 | |
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| | A4 | | WO 98/12913 | | BAILEY et al. | Apr. 2, 1998 | |

| NON PATENT LITERATURE DOCUMENTS | | | |
|---------------------------------|--------------------------|--|----------------|
| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ⁶ |
| | A5 | HOLMBERG et al., "Transgenic Tobacco Expressing Vitreoscilla Hemoglobin Exhibits Enhanced Growth and Altered Metabolite Production", <i>Nature Biotechnology</i> , Vol. 15, 1997, pgs. 244-247. | |
| | A6 | HUNT et al., "Increased Level of Hemoglobin 1 Enhances Survival of Hypoxic Stress and Promotes Early Growth in Arabidopsis Thaliana", <i>Proc. Natl. Acad. Sci. USA</i> , Vol. 99, No. 26, 2002, pgs. 17197-17202. | |
| | A7 | IGAMBERDIEV et al., "NADH-Dependent Metabolism of Nitric Oxide in Alfalfa Root Cultures Expressing Barley hemoglobin", <i>PLANTA</i> , Vol. 219, 2004, pgs. 95-102. | |
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| Examiner Signature | Date Considered |
|--------------------|-----------------|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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